

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 35-45 are currently pending in this application. Claim 35 is amended.

**Request for Withdrawal of the Finality of the Office Action**

The Applicants respectfully request that the Examiner withdraw the finality of the Office Action mailed on July 9, 2008 because a Request for Continued Examination is filed concurrently with this reply.

**Claim Rejections - 35 USC § 103**

Claims 35-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quick Jr. (US 5,673,259) (hereinafter Quick) in view of obviousness.

Applicant respectfully disagrees with the Examiner. The pending claims recite a transceiver configured to communicate over a plurality of wireless channels with a transmitter in a base station; and the transceiver is further configured to receive data traffic from at least one data buffer in the base station over a data channel and to receive control data indicative of a data rate associated with the data traffic over a control channel; wherein the transceiver is dynamically assigned additional data traffic channels for receiving data traffic based on an urgency factor indicative of the urgency of the data traffic to be transmitted from the at least one data buffer in the base station.

Quick discloses a method wherein a communicating transceiver initializes a packet service request, requests a searcher reservation on the access channel, and sends the digital data packet over a random access channel using the specific long code corresponding to the communicating transceiver to obtain a coded digital data packet.

The Examiner cited a section of Quick directed at a "searcher reservation scheme." See column 9, line 50 – column 10, line 4. According to Quick, a searcher element "is a sliding correlator receiver that continually scans a time domain window in search of a particular user's information signal. In a system with multiple demodulation elements, a searcher element may also scan a set of time offsets around the nominal arrival of the signal in search of multipath signals that have developed. Typically, the controller directs the searcher to scan the received signal from the base station antenna and correlate the received signal with a known PN spreading sequence (or Long Code) associated with a particular mobile transmitter." See column 9, line 50 – column 10, line 4. However, Quick fails to teach or suggest a transceiver configured to receive data traffic from at least one data buffer in the base station over a data channel and to receive control data indicative of a data rate associated with the data traffic over a control channel, as is recited by the pending claims.

Quick and the cited references of record, either alone or in combination, fail to teach or suggest the pending claims. Accordingly, Applicants believe the pending claims are novel and patentable over the cited art.

Claims 36-45 are dependent upon claim 35, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 USC §103(a) rejection of claims 31-45 is respectfully requested.

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

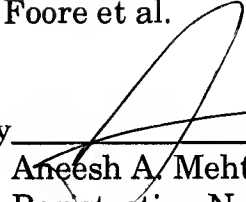
In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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**Application No.:** 10/767,326

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